

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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| In re Application of: Stewart COLE et al. |) | |
| |) | |
| Application No.: 10/510,021 |) | Group Art Unit: 1645 |
| |) | |
| Filed: October 1, 2004 |) | Examiner: Rodney P. Swartz |
| |) | |
| For: IDENTIFICATION OF VIRULENCE |) | Confirmation No. 3824 |
| ASSOCIATED REGIONS RD1 AND |) | |
| RD5 LEADING TO IMPROVE |) | |
| VACCINE OF M. BOVIS BCG AND |) | |
| M. MICROTI |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop AF

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31

Sir:

Applicant appeals to the Board of Patent Appeals and Interferences from the
Examiner's decision mailed April 30, 2008.

The item(s) checked below are appropriate:

1. ☒ Applicant petitions for a three (3) month extension of time, based on the mailing date of the outstanding Office action. The petition fee of \$1,110.00 is enclosed.
2. ☒ The Notice of Appeal Fee of \$540.00 ☒ is enclosed.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 30, 2008

By: 

Laurence A. Shumway, Ph.D.

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